

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5987 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
PRANAV TEXTILE

Versus

GUJARAT ELECTRICITY BOARD  
-----

Appearance:

MR AJ SHASTRI for Petitioner  
Mr.M.D.Pandya for respondents  
-----

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 19/08/1999

ORAL JUDGEMENT

Rule. Mr.M.D.Pandya waives service of rule on behalf of respondents. By consent of parties the matter is taken up for final hearing today.

Through this petition, the petitioner seeks to challenge the order of the Appellate Committee of the respondent -Board dt.5.6.99 and consequent revised bill dt.26.7.99. The Appellate Committee having confirmed the finding of theft of electric energy gave, benefit of

staggered off days, public holidays etc. and directed revising the bill dt.18.7.99 and consequently bill dt.26.7.99 was issued and the petitioner was required to make payment of balance amount of Rs.3,46,774-27. Petitioner has not been able to make out any case for interference under Articles 226 and 227 of the Constitution of India. The petitioner has, however, pointed out peculiar market conditions and the financial stringency which he is experiencing and has pleaded that the respondent - Board be pleased to grant installments for making the full payment of dues as per revised bill dt.26.7.99 together with delayed payment charges.

Upon consensus having been arrived at between the parties, the following order is passed:-

- (1) The petitioner agrees and undertakes and is directed to pay Rs.3,46,774-27 together with delayed payment charges as per installments that may be granted.
- (2) It is directed that the petitioner shall pay Rs.46,774-27 to the respondent - Board by 31.8.99. The balance amount of the dues, as stated above, together with delayed payment charges shall be paid by 19 equal monthly installments and the last installment shall also include the total delayed payment charges as per Board's rules/conditions on that behalf.
- (3) The 1st installment of such installments shall commence from 15th of September 1999 and the remaining 18 installments shall be paid on or before 15th of every subsequent English Calendar month.
- (4) The petitioner shall not in any way transfer or alienate any assets of the petitioner - Firm, Ms. Pranav Textile till all outstanding dues of Board are cleared.
- (5) The petitioner shall file an undertaking duly signed by all the partners of petitioner - Firm undertaking to abide by the conditions of this order. Such undertaking be filed before this Court within 10 days hereof.
- (6) The petitioner shall continue to pay current consumption charges and continue to abide by the terms and conditions of supply. Upon petitioner's failure to pay any of the installments or abiding by any stipulation of

this order, the petitioner's power supply shall be liable to be disconnected without notice.

Ordered accordingly.

Henceforth, the rights and obligations of the parties with regard to the matter in dispute shall be governed by the aforesaid agreed terms Nos.(1) to (6). This Special Civil Application is disposed of, in the terms as above. Rule is hereby discharged. No order as to costs.

-0-